

CITY OF JACKSON

LANDSCAPE

ORDINANCE



ADOPTED
AUGUST 14, 1990

AMENDED
FEBRUARY 27, 1996
NOVEMBER 19, 1996
FEBRUARY 21, 2005

CITY OF JACKSON
Landscape Ordinance
Adopted August 14, 1990
Amended February 27, 1996
November 19, 1996¹
January 18, 2005

AN ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI, PROVIDING MINIMUM STANDARDS FOR LANDSCAPING OF CERTAIN AREAS, INCLUDING SETBACK, OFF-STREET PARKING AND OTHER VEHICULAR USE AREAS, IN CONNECTION WITH NEW CONSTRUCTION, CHANGE IN USE OR RECONSTRUCTION, RENOVATIONS OR REMODELING; REQUIRING A LANDSCAPE PLAN TO OBTAIN A BUILDING PERMIT; AND FOR RELATED PURPOSES. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:

SECTION 1. TITLE

This Ordinance shall be known as the "Landscape Ordinance" for the City of Jackson, Mississippi.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to protect and to promote the public health, safety and general welfare of the citizens of the City of Jackson; to provide landscaping requirements to protect the public from the effects of erosion, flooding and obscuration of vehicular and pedestrian traffic; to aid in stabilizing the environment's ecological balance by contributing to the processes of energy and soil conservation, air purification, oxygen regeneration, wastewater neutralization, ground water discharge, and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement; to ensure that the local stock of native trees and vegetation is replenished; to assist in providing adequate light and air and in preventing overcrowding of land; to provide visual buffering and to enhance the beautification of the City; to safeguard and to enhance property values and to protect public and private investment; to preserve and protect the unique identity and environment of the City of Jackson and to preserve the economic base attracted to the City of Jackson by such factors.

SECTION 3. DEFINITIONS

Accessway. An area intended to provide entrance or exit for vehicular traffic from a public or private right-of-way to an off-street parking or loading area.

Berm. Mounds or walls of earth that are molded into landforms in a landscaped area. When berms are used for screening, buffering or any other purpose, the berm shall be constructed such that soil erosion is prevented and sight triangles are unobstructed.

The surface of the berms shall be completely covered with plant material or durable mulch so that the bare soil is not visible. Allowance for soil settlement shall be calculated at ten (10%) percent after the berms are compacted.

Buffering. The use of landscaping, berms, walls, fences or any combination thereof, that at least partially block, in a continuous manner, the view from one area to another.

City. The City of Jackson, Mississippi.

Clearing. The removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

Common Development. A commercial development, consisting of three or more businesses, which operates as a unit and shares common access and common parking areas; or a multi-family residential development, consisting of three or more residences, which operates as a unit and shares common amenities.

Deciduous. Of or referring to a plant which tends to shed its leaves each year.

Development. The act, process or result of developing. A developed site.

Dripline. The periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.

Encroachment. The act of advancing beyond the usual or proper limits, as in the encroachment of a motor vehicle beyond the limits of the parking area into the landscaping.

Encroachment Barrier. The protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Protection for all landscaping from vehicular encroachment shall be provided by curbing, wheel stops, landscape timbers, railroad ties or bumper rails.

Evergreen. Of or referring to a plant which tends to retain its leaves all year round.

Fence. An enclosure or barrier intended to mark a boundary, screen a view, or prevent intrusion.

Front Building Line. A building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building. Steps and unenclosed porches shall be excluded for the purpose of this Ordinance.

Grass. Low growing plants which creep along the earth surface to form a solid mat or lawn. Only perennial grasses (those which live for more than one growing season) shall qualify to satisfy the requirements of this Ordinance.

Groundcover. Low growing plants which grow in a spreading fashion to form a more or less solid mat of vegetation, and which are generally included in landscaped areas to prevent soil erosion by providing permeable cover for bare earth.

Hedge. Shrubs planted in a continuous line which will block at least eighty (80%) percent of a view in a maximum of two (2) growing seasons after installation.

Interior Landscaped Area. That area inside the perimeter of a site which is

permeable and capable of being planted with live landscape materials.

Irrigation. An adequate supply of water which can be made available to landscape plant materials including, but not limited to, underground sprinkler systems or hose bibs.

Landscaped Area. that area within the boundaries of a given site which is devoted to and consists of landscape material.

Landscape Material. Plant materials including, but not limited to, live trees, shrubs, groundcovers, grass, flowers, and native landscape materials; also including, but not limited to, inorganic features such as planters, stone, brick, and aggregate forms, water, and other landscape elements when used to enhance live plant materials; provided, however, that the use of inorganic materials or grass in combination with inorganic materials shall not predominate over the use of live, organic plants. Artificial plants do not qualify as landscape material.

Landscape Permit. A permit issued by the Building Permit Division prior to the clearing and development of all land located within the City, as outlined in SECTION 4 of the Ordinance.

Large Tree. An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of eight to ten (8-10) feet overall height at the time of planting and which attains a minimum height of fifteen (15) feet and a maximum height of generally more than thirty (30) feet with few or no branches on its lower part.

Owner. The person who has legal title to the property in question; or lessee, agent, employee or other person acting on behalf of the titleholder, with written authorization to do so.

Perimeter Landscape Area. That area surrounding the vehicular use area which is devoted to and consists of landscape materials.

Refuse Storage. Any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted adjacent to vehicular use areas.

Remodeling. The act of reconstructing a building or site for the purpose of making improvements. Any change or modification in existing exterior construction.

Screening. Landscaping, berms, fences, walls, or any combination thereof, used to block or significantly obscure, in a continuous manner, the view from one area to another.

Shrub. Woody or semi-woody perennial plants that are customarily included in landscape designs to provide for lower scale buffering and visual interest.

Sidewalk. a hard-surface, all-weather area of a minimum of four (4) feet in width designed for the convenience of pedestrian access, which is normally located immediately within the public right-of-way.

Sight Triangle. The area on either side of an accessway, at its junction with a street,

forming a right-triangle shape, within which clear visibility of traffic and pedestrians shall be maintained.

Soil. The medium in which plants will grow.

Small Tree. an evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of six to eight (6-8) feet overall height at the time of planting and which attains a minimum height of fifteen (15) feet and a maximum height of thirty (30) feet generally with few or no branches on its lower part.

Turf. Low growing perennial grasses, which creep along the earth's surface to form a solid mat or lawn.

Value. Value shall be determined as the true value as provided by the tax assessor, for tax purposes, or the property owner may provide a current appraisal from a certified licensed appraiser.

Vehicular Use Area. That area of development subject to vehicular traffic, which is required to be a hard surface, all- weather area, including accessways, loading and service areas, areas used for parking, storage or display of vehicles, boats, or portable construction equipment, and all land which vehicles cross over as a function of primary use.

Vines. Herbaceous or semi-woody plants requiring support upon which to grow and used to provide some screening or buffering effects.

Wall. An enclosing structure made of brick, stone, earth, or other materials intended to mark a boundary, screen a view, or prevent intrusion.

Walkway. A hard surface, all-weather area intended for pedestrian circulation within a development.

SECTION 4. APPLICABILITY AND EXEMPTIONS.

1. Except as otherwise provided below, this Ordinance shall apply to all land located in the City. These requirements shall remain and continue with any and all subsequent owners.
2. New developments and vehicular use areas which are part of a common development, which includes more than one lot, shall be treated as one lot for the purposes of satisfying these landscape regulations. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project, shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with these requirements.
3. Any development or vehicular use area in existence before adoption of this Ordinance shall comply with the requirements set forth herein under any of the following circumstances:
 - (a) Any change requiring a thirty (30%) percent or more increase in the

number of parking spaces;

- (b) Reconstruction, renovation or remodeling which increases the square footage of a development by more than fifty (50%) percent, or the construction cost of which exceeds fifty (50%) percent of the value of the existing development;
 - (c) For purposes of subparagraphs (1) and (2) above, a common development shall be considered as a whole rather than as individual properties.
 - (d) Any vehicular use area, as defined by this Ordinance, zoned C-4 Central Business District, in existence at the time of the adoption of this amendment (February 2, 1995) to the Ordinance, without a hard all-weather surface shall conform to the definition of a vehicular use area within a period of three (3) years from said adoption of this amendment to the Ordinance. The Construction Board of Adjustment and Appeals may grant a one time extension of up to two (2) years and such extension shall not be unreasonably withheld.
 - (e) Any vehicular use area, as defined by this Ordinance, zoned C-4 Central Business District, in existence at the time of the adoption of this amendment (February 2, 1995) to the Ordinance, which violates or does not conform to the provisions hereof, shall conform to the provisions within a period of five (5) years from said adoption of this amendment to the Ordinance.
 - (f) Any refuse receptacle (dumpster) located within any public right-of-way at the time of the adoption of this amendment (February 2, 1995) shall be removed within a period of three (3) months from said adoption of this amendment to the Ordinance.
 - (g) Any refuse receptacle (dumpster) in existence at the time of the adoption of this amendment (February 2, 1995) to the Ordinance, which violates or does not conform to the provisions hereof, shall conform to the provisions within a period of one (1) year from said adoption of this amendment to the Ordinance.
4. Exemptions: These requirements shall not apply to the following:
- (a) Building permits for a conventional single-family detached dwelling.
 - (b) Building permits for buildings located on property zoned C-4 Central Business District.
 - (c) Building permits for buildings less than one hundred (100) square feet on an out-parcel within a shopping center.
 - (d) Clearing of trees for forestry or agricultural purposes.
 - (e) Building permits for the restoration of a building when restoration is required, as a result of damage and/or destruction by fire or natural causes, of less than sixty (60%) percent of its current market value and provided

said permit is applied for within twelve (12) months of the occurrence of fire or natural causes.

- (f) Building permits for restoration of buildings identified as a landmark, or on a landmark site, or within a historic preservation district, pursuant to Section 15 1/2 - 1 et. seq. of the Code of Ordinances, City of Jackson, Mississippi.
- (g) Multi-storied or covered parking structures shall be exempted from providing interior landscaping.
- (h) Property located in an industrially zoned district is exempt from the requirements of SECTION 13.01 of this Ordinance.
- (i) Vehicular use areas zoned C-4 Central Business District are exempt from the requirements of SECTION 9, SECTION 12, SECTION 13.01, and SECTION 14 of this Ordinance.

SECTION 5. TREE CREDIT.

Preservation of existing live natural trees, between the principal building and the public street right-of-way, can be credited towards the tree planting requirements of this Ordinance according to the following ratio: The number of credited trees shall be applied at a one to one ratio to the number of required trees. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to insure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.

No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle, which has as its center the trunk of the tree, or if the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and such replacement plantings shall meet the requirements of this Ordinance.

In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain at least one (1) natural tree.

SECTION 6. PLAN APPROVAL/CONDITIONAL OCCUPANCY.

The clearing from any site included under SECTION 4 of this Ordinance of live natural trees eligible for credit under SECTION 5 is prohibited, unless a permit for such clearing has been issued. Prior to the issuance of any permit on any site covered by this Ordinance, an application fee of thirty-five dollars (\$35.00) and three (3) copies of a landscape plan shall be submitted to and approved by the Building Permit Division of the City, after review and approval by the Zoning Administrator, or designee of the City. The Zoning Administrator, or designee, shall act upon the landscape plan within five (5) working days of its submission, or the landscape plan shall be deemed approved. The landscape plan shall contain the following information: The date, scale, north arrow, title and name of the property owners; the approximate location of existing

boundary lines; set-back lines; right-of-way; dimensions of the building coverage, existing and proposed; and location of existing and proposed streets, parking spaces and driveways; the location and size of paved areas, in square feet; the location, number, size and botanical or common name of proposed landscape material; the square footage of each landscaped area; the center-line of adjacent streets; the zoning of the site and adjacent properties; location of available water for irrigation; existing and proposed utilities overhead and underground (gas, telephone, water, sewer, cable, etc.); any existing trees of twelve (12) inches in caliper or larger, as measured four and one-half (4 1/2) feet above grade level, and whether they are to be removed. No permit shall be issued unless such landscape plan complies with the provisions hereof. A Certificate of Occupancy shall not be permitted until landscaping is complete, and it shall be unlawful to occupy or use the premises or a vehicular use area unless the landscaping is installed in accordance with the approved landscape plans and the requirements hereof.

The Building Permit Division may allow Conditional Occupancy valid for a period of thirty (30) days with extensions not to exceed an accumulation of one hundred eighty (180) days if all of the following conditions exist:

- (1) Except for the completion of landscaping installation, occupancy would normally be allowed.
- (2) Completion of the required landscaping before a permanent Certificate of Occupancy is issued would result in hardship to the applicant, as applied in this case.
- (3) At the time the Conditional Occupancy is requested, the developer/owner shall post a bond, certificate of deposit, or bank letter of credit with the City in the amount of one hundred and ten (110) percent of the estimated landscaping cost to ensure that it shall be installed. Any owner/developer wishing to make such financial arrangements must also grant the City access to the land to install or complete the required landscaping, in the event the landscape installation has not been completed at the end of the required extension period. If the developer/owner completes the required landscaping within the required one hundred eighty (180) days, such financial arrangement shall be released upon completion of the landscaping and favorable inspection by the City. If the required landscaping is not completed within the one hundred eighty (180) days, the developer/owner shall forfeit the guarantee and the City shall use such funding to complete the required landscaping.

SECTION 7. INSTALLATION AND MAINTENANCE OF LANDSCAPING.

All landscaping shall be of nursery stock quality and shall be installed in a sound workmanlike manner and according to accepted good planting procedures. All landscaping shall be adaptable to climate conditions of the area, and consideration shall be given to not planting large trees near utilities. All landscaping shall be maintained in good condition and in accordance with all provisions of this Ordinance as follows:

- (1) All landscaping shall present at all times, a healthy, neat, clean, orderly, disease-free and pest-free appearance.
- (2) All landscaping soil and fill shall be free from weeds, refuse, and debris at all times.
- (3) Landscaping elements, such as walls and fences, shall be constructed in a sound workmanlike manner, with adequate support or footings and shall be repaired or replaced, as needed, to preserve an attractive appearance and to function as intended.
- (4) Any dead plant material or material which fails to show healthy growth must be removed within thirty (30) days.
- (5) Replacement of removed plant material must take place within ninety (90) days of removal or notification by the City, whichever occurs first.
- (6) Any replacement plant material must meet the size and other characteristics of newly planted material, as required in this Ordinance.
- (7) Maintenance of all landscaping is the responsibility of the owners, jointly and separately.
- (8) Trees and large shrubs shall be adequately supported, as necessary, using stakes and guys. Such supports shall be designed so as to protect trees and shrubs from injury. Trees and shrubs shall be fastened to the supports with an acceptable commercial tree tie of plastic or hose covered wire. Stakes and wires to trees and shrubs should be removed at the end of one year to prevent permanent damage.
- (9) Any landscaped area required by this Ordinance shall not be encroached upon by any type of vehicle. All landscaped areas must be protected by an encroachment barrier. A vehicle may overhang a landscaped area provided that a minimum width of three (3) feet in landscaped area remains.
- (10) The maximum growth height of any landscaping within the sight triangle shall be three (3) feet in height.

SECTION 8. LANDSCAPING AND SIDEWALKS WITHIN STREET RIGHTS-OF-WAY

Owners are encouraged to landscape and to maintain the area within the non-paved street right-of-way abutting their land, provided, however:

- (1) Although the City shall adhere to a general policy of preservation of any such landscaping, the City shall not be responsible or liable in the event any landscaping is required to be removed.
- (2) Any landscaping in a street right-of-way shall not impede or obstruct visibility of any vehicles.
- (3) Any underground sprinkler systems, planters, or other permanent structures placed in the right-of-way shall require a license agreement with the City.

- (4) No landscaping shall be placed in an area of right-of-way where a Capital Improvement Project has been funded for such location, unless and until such project has been completed.

SECTION 9. VEHICULAR USE AREAS INTERIOR REQUIREMENTS.

The following requirements shall apply to the interior areas of vehicular use areas:

- (1) Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. Each unused space resulting from the design or layout of parking spaces, which is over twenty-four (24) square feet in area, shall be landscaped.
- (2) The planting of one (1) tree shall be required for every twenty (20) interior parking spaces. All newly planted trees shall be planted in a permeable area of at least nine (9) square feet, total permeable area, for small trees and thirty-six (36) square feet, total permeable area, for large trees, except additional permeable area may be required by the City, if necessary to insure adequate growth. (See SECTION 12)
- (3) Permeable landscaped areas of less than fifty (50) square feet shall contain small trees, and areas of fifty (50) feet or larger shall contain large trees.

SECTION 10.01 VEHICULAR USE AREAS PERIMETER REQUIREMENTS FOR LAND NOT ZONED C-4 CENTRAL BUSINESS DISTRICT

A landscaped buffer of at least five (5) feet in width consistent with the requirements of SECTION 7.9 of this Ordinance shall be installed around the perimeter of all vehicular use areas, except as provided in SECTION 11. The planting of one (1) large tree shall be required, in accordance with the provisions of this Ordinance, every fifty (50) linear feet or fraction thereof, or one (1) small tree every thirty-five (35) linear feet or fraction thereof, within the perimeter landscaped area. The remainder of the perimeter landscaped area shall include landscape materials.

SECTION 10.02 VEHICULAR USE AREA REQUIREMENTS FOR LAND ZONED C4 CENTRAL BUSINESS DISTRICT

A landscaped buffer of at least four (4) feet in width consistent with the requirements of SECTION 7.9 shall be installed along the street frontage (corner lots are treated as having two (2) street frontages) of all vehicular use areas. In addition, the planting of one (1) large tree shall be required, in accordance with the provisions of this Ordinance, every forty (40) linear feet or fraction thereof, or one (1) small tree every thirty-five (35) linear feet or fraction thereof, along a vehicular use area's street frontage. As an alternative to the above, an owner/developer may provide interior landscaping as follows:

- (1) Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. Each unused space resulting from the design or layout of parking spaces, which is over twenty-four (24) square feet in area, shall be

landscaped.

- (2) The planting of one (1) tree shall be required for every twenty (20) interior parking spaces. All newly planted trees shall be planted in a permeable area of at least nine (9) square feet total permeable area for small trees and thirty-six (36) square feet total permeable area for large trees, except additional permeable area may be required by the City, if necessary to insure adequate growth.
- (3) Interior landscaping shall be concentrated in one location or dispersed throughout the site. However, notwithstanding the foregoing; at a minimum, all landscaping for vehicular use areas shall comprise ten (10%) percent of the site, and be visible from the street.

SECTION 11. FRONT SET-BACK REQUIREMENTS FOR LAND NOT ZONED C-4 CENTRAL BUSINESS DISTRICT.

All sites to which this Ordinance applies shall provide that the front set-back (corner lots are treated as having two front set-backs) or a portion thereof be landscaped as follows: A minimum landscaped area of ten (10) times the length of the right-of-way, in square feet, is required. A minimum of five (5) feet width and a maximum of twenty-five (25) feet of the front setback, as required by the City Zoning Ordinance, shall be the required landscaped area under this section. Access ways are not calculated as part of the landscaped area. The landscaped area shall be immediately adjacent to the public right-of-way or the proposed public right-of-way if said site is designated for improvements as "Priority I or II" in the City's 2010 Arterial and Collector Street Plan or designated in the City's Capital Improvements Plan. The landscaped area shall contain a minimum of one (1) large tree per fifty (50) linear feet of road frontage or one (1) small tree per thirty-five (35) linear feet of road frontage. Not more than fifteen (15%) percent of the total landscaped area shall be an impervious surface, which shall be allowed only for landscape amenities such as paved walks, walls, fountains, signs, public art, etc. The landscaped area shall not be encroachable by vehicles except as specified in SECTION 7.9. 14

SECTION 12. COMPOSITE SITE REQUIREMENTS.

If all heretofore mentioned landscape requirements are met and the total square footage of the landscaped areas do not equal ten (10%) percent of the total site, additional landscaped areas shall be required so that a minimum of ten (10%) percent is landscaped area. Such additional landscaped area may be in the form of additional landscaped vehicular use areas, additional front setback landscaped area, or foundation planting around building and structures. At a minimum, all additional landscaped areas shall be completely covered with live turf or grass.

SECTION 13.01 LOADING AND SERVICE AREAS LANDSCAPE REGULATIONS.

Other than property located in an industrially zoned district, all loading and service areas not screened by an intervening building, established after the application of this

section and all pre-existing areas which are required by SECTION 4 shall be screened from view from any public street right-of-way for their entire length, except for necessary access. Screening for loading and service areas may be accomplished by either of the following:

(1) A closed fence or wall which is at least six (6) feet high and is made of the same or compatible materials, in terms of texture and quality, with the material and color of the principal building; along with additional natural evergreens, shrubs or trees so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure; or (2) The screening may be accomplished with natural evergreen shrubs or trees which can be expected to reach six (6) feet or a greater height within three (3) years of planting. Any natural evergreens, shrubs or trees used to fulfill these requirements shall be a minimum of three (3) feet in height when planted, and spaced no more than four (4) feet apart at the time of planting.

SECTION 13.02 REFUSE AREAS WITH RECEPTACLE (DUMPSTER) REGULATIONS.

All new refuse areas with receptacles (dumpsters) shall be completely screened from the street and from adjacent properties by a solid wood or masonry fence at least six (6) feet high and by natural plants or trees of equal minimum height, so planted as to provide maximum opacity. All refuse areas with receptacles (dumpsters) in existence at the time of the adoption of this amendment (Date: 11/19/96) shall be completely screened from the street and from adjacent properties by a solid wood or masonry fence of at least six (6) feet in height. No refuse receptacle shall be located in the public right-of-way.

SECTION 14. TRANSITIONAL LANDSCAPED AREAS

It is recognized that certain land uses, because of their character and intensity, may have an adverse impact on less intensive adjacent uses. The purpose of this section is to establish minimum landscaping requirements between certain uses that will help mitigate negative impacts that could constitute a nuisance due to noise and lights. Buffers shall be required in accordance with Table 1 when any use is being developed abutting an existing developed lot or vacant lot. Buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. Buffering between uses shall not be required within the C-4 Central Business District.

One hundred (100%) percent of the applicable buffer requirements shall be the responsibility of the developing land use, except when a residential or institutional use is developed abutting an existing more intensive use developed prior to the approval of this ordinance and for which no buffer is in place. In this case, the residential or institutional use shall be responsible for providing a minimum of fifty (50%) percent of the required buffer of the developing tract.

If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements of the developing property, subject to the regulations in Section 14.01. If the land use relationships between two abutting lots change so that a lesser buffer would be required under these regulations, the width of the buffer may be reduced accordingly. The width of any required buffer of fifteen feet or wider may be reduced by 25% if a wall, fence, or berm (with approval of Site Plan Review Committee) is provided that meets the following standards:

- (a) Any fence or wall shall be a minimum of six (6) feet and constructed in a durable fashion of brick, stone, other masonry materials, or any combination thereof as approved by the Zoning Administrator. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts.
- (b) Berms shall be a minimum height of 4 feet with a maximum slope of 3:1. Berms in excess of six (6) feet height shall have a maximum slope of 4:1 as measured from the exterior property line. Berms shall be stabilized to prevent erosion and landscaped.

Evergreens shall be a minimum height of six (6) feet at the time of installation. Deciduous trees shall be between six (6) and eight (8) feet in height. Proposed trees shall be grouped and staggered to present a natural appearance. Existing trees may

**TABLE No. 1
REQUIRED BUFFERING CATEGORY**

Developing Use	Existing Abutting Uses and Districts <i>Single Family Use or Zoning</i>
Multifamily —Attached and multifamily in one building with more than 12 units; Planned multifamily and attached developments and manufactured housing parks	C
Institutional — <u>Low Density:</u> Civic, service and fraternal organizations, cultural facilities, Residential day care centers; group homes with more than 6 residents and nursing homes, rest homes and assisted living homes.	A
<u>Medium Density:</u> Religious institutions, up to 750 seats.	B
<u>High Density:</u> Religious institutions over 750 seats	C

CLASS A BUFFER

Width	10 feet
Deciduous Shade Trees+	0
Evergreen Trees+	4
Shrubs+	Continuous
6' fence+	Yes
+ Per 100 linear feet	

CLASS B BUFFER

Width	10 feet
Deciduous Shade Trees+	0
Evergreen Trees+	4
Shrubs+	Continuous
6' fence+	Yes
+ Per 100 linear feet	

CLASS C BUFFERS

+Per 100 Foot Linear Foot	½ acre to 2.5 acres	3.0 to 5.0 acres	5.5 to 7.5 acres	8.0 and above acres
Width	10 feet	15 feet	20 feet	25 feet
Deciduous Shade Trees+	0	1	1	2
Evergreen Trees+	3	3	4	6
Shrubs+	4	4	4	6
6' fence+	Yes	Yes	Yes	Yes

count towards the deciduous shade trees per one hundred (100) linear feet requirement. In addition, a continuous evergreen hedge and solid wood or masonry fence of at least six (6) feet high, shall be placed and maintained adjacent to the lot line. This buffer shall be installed in its entirety during construction of the residential units or the institutional use.

SECTION 14.01 ALTERNATIVE BUFFER AND SCREENING REQUIREMENTS

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the

presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of Section 14 serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Zoning Administrator may alter the requirements as long as the existing features of the development site comply with the spirit and intent. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Zoning Administrator shall not alter the requirements unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Zoning Administrator shall consult with the Director of Planning and Development and the staff Landscape Architect.

SECTION 15. ADMINISTRATIVE INTERPRETATION OF ORDINANCE.

In the event there is a question concerning the general intent or meaning of any provision of this Ordinance text, the Zoning Administrator, or designee, of the City shall have the right to make such administrative decisions or interpretations. Any aggrieved person may submit a written appeal of an administrative decision or interpretation to the City of Jackson Planning Board, which shall affirm, reverse or modify the administrative interpretation rendered by the Zoning Administrator, or designee, of the City. An interpretation from which an appeal is made must be in writing, and must be in response to a written request for an administrative decision or interpretation. It is expressly intended that such administrative decision or interpretation shall in no manner be construed to permit or to grant exceptions or variances to the provisions of this Ordinance. Every decision of said Board shall be final, subject, however, to such remedy as any aggrieved party may have at law or in equity.

SECTION 16. VARIANCES

Where there are unusual circumstances peculiar to the site being developed and where a literal application of specific provisions of this Ordinance would unnecessarily restrict the development of a site and result in undue hardship to the owners or other interested persons, a variance from specific provisions of this Ordinance may be requested. The application for a variance from the requirements of this Ordinance shall be filed with the Zoning Administrator and shall include a description of the property, the exact nature of the proposed variance, and the grounds upon which it is requested.

The applicant shall further demonstrate that the granting of such variance will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare.

Upon receiving an application for a variance, where all required information is supplied, the Zoning Administrator, or designee, shall make a recommendation to the City of Jackson Planning Board for their consideration. The Zoning Administrator shall place the requested variance on the Planning Board Agenda subject to the deadlines set by

the Office of City Planning.

Every decision of said Planning Board shall be final, subject, however, to such remedy as any aggrieved party may have at law or in equity.

SECTION 17. MINIMUM REQUIREMENTS

The provisions of this Ordinance are for the promotion of the public health, safety, morals and general welfare for the City of Jackson, Mississippi, and are considered to be minimum requirements. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances, and deed restrictions or covenants filed of record, are not in conflict with the intent and purpose of this Ordinance, but impose more restrictive or higher standards, the more restrictive or higher standards shall govern.

SECTION 18. ENFORCEMENT

Violation by any person of the provisions of this Ordinance or failure to comply with any of its requirements, after written notification by the Zoning Administrator, or designee, of the City of the type, nature, and extent of the violation of this Ordinance, shall, upon conviction thereof, constitute a misdemeanor.

Any person who violates the provisions of this Ordinance or fails to comply with any of its requirements within ninety (90) days after having been duly notified in writing, by certified mail, return receipt requested, by the Zoning Administrator, or designee, of the City, shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00). Each day such violation continues shall be considered a new and separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 19. SEVERABILITY

The provisions of the Ordinance shall be separable and the invalidity or unconstitutionality of any portion thereof shall not affect the remainder thereof.

SECTION 20. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its passage.